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July 27, 2015

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007**Re: In re: General Motors LLC Ignition Switch Litigation,  
14-MD-2543 (JMF)**

Dear Judge Furman:

After meeting and conferring in accordance with Order Nos. 25 and 60 (Doc. Nos. 422 and 1064), counsel for General Motors LLC (“New GM”) and Lead Counsel for the MDL Plaintiffs jointly propose (1) a sequence for trying the Early Trial Cases (*see* Order No. 25 ¶¶ 7, 28, 44-46) and (2) a procedure for replacing any Early Trial Case that a party settles or voluntarily dismisses pursuant to Federal Rule of Civil Procedure 41 prior to trial.

As the Court may recall, the parties previously proposed a schedule for trying the Early Trial Cases. (*See* July 9, 2015 Letter from M. Brock (Doc. No. 1144).) The parties now propose the following sequence for trying the Early Trial Cases:<sup>1</sup>

<b>Trial Number</b>	<b>Proposed Trial Dates</b>	<b>Name of Plaintiff(s) and Categorization of Claims<sup>2</sup></b>	<b>MDL Case Number</b>	<b>Selecting Party</b>
1	January 11, 2016 - February 5, 2016	<b>Nadia Yingling,</b> Personal Representative and/or Guardian Ad Litem of the Estate of James E. Yingling, III (Category 1: wrongful death claims)	1:14-cv-5336	MDL Plaintiffs

<sup>1</sup> The parties will provide additional information regarding the six Early Trial Cases at the Court’s request.

<sup>2</sup> *See* Order No. 35 (Doc. No. 593) (defining three categories of claims eligible for inclusion in the bellwether trials: wrongful death claims, severe injury claims, and mild to moderate injury claims).

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2	April 4, 2016 - April 21, 2016	<b>Lawrence Barthelemy and Dionne Spain</b> (Category 3: mild to moderate personal injury claims)	1:14-cv-5810	New GM
3	June 6, 2016 - June 24, 2016	<b>Robert Scheuer</b> (Category 2: severe personal injury claims)	1:14-cv-8176	MDL Plaintiffs
4	August 15, 2016— September 2, 2016	<b>Robert Reid</b> (Category 3: mild to moderate personal injury claims)	1:14-cv-5810	New GM
5	October 17, 2016— November 4, 2016	<b>Stephanie Cockram</b> (Category 2: severe personal injury claims)	1:14-cv-8176	MDL Plaintiffs
6	November 28, 2016— December 16, 2016	<b>Amy Norville</b> (Category 2: severe personal injury claims)	1:14-cv-8176	New GM

Late last year, the parties and the Court agreed upon a goal of trying six personal injury/death cases as part of the bellwether trial plan. (*See* Order No. 25.) To meet this goal, the parties believe the following procedure should be used to adjust the sequence and replace any Early Trial Case that a plaintiff settles or voluntarily dismisses before trial. The selecting party whose Early Trial Case is settled or voluntarily dismissed before trial will have their next-scheduled Early Trial Case selection move up in the schedule to take the place of the voluntarily dismissed or settled case. (For example, if Barthelemy and Spain voluntarily dismiss their case before trial, then the Reid case will become the second bellwether trial.) Within three business days, that selecting party will then identify three potential replacement Early Trial Cases from the Initial Discovery Pool (*see* Doc. Nos. 589, 590). The potential replacement Early Trial Cases may include Initial Discovery Pool cases that were previously struck pursuant to MDL Order No. 25 Paragraph 46. The opposing party will then, within three (3) business days, exercise two strikes against the potential replacement Early Trial Case candidates. The remaining case will become the replacement Early Trial Case and will proceed to expert discovery and be set for the last open date in the trial schedule.<sup>3</sup>

<sup>3</sup> For example, if the Early Trial Case set for Trial #1 is settled or voluntarily dismissed, the Early Trial Case scheduled for Trial #3 would be set for the January 11, 2016 trial date and the Early Trial Case that is scheduled for Trial #5 would be set for June 6, 2016. Plaintiffs' replacement Early Trial Case would be set for October 17, 2016.

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Of course, the parties recognize that trial dates and related pre-trial deadlines may be modified at the Court's discretion and as circumstances require—such as if a dismissal or settlement occurs shortly before a trial is scheduled to start.

Respectfully submitted,

/s/ Robert C. “Mike” Brock  
/s/ Richard C. Godfrey, P.C.  
/s/ Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: Lead Counsel for Plaintiffs  
Counsel of Record for Defendants

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Likewise, if the Early Trial Case set for Trial #2 is settled or voluntarily dismissed, the Early Trial Case scheduled for Trial #4 would be set for the April 4, 2016 trial date, *etc.*